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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 *ex rel.*, SHELBY EIDSON,
13 Plaintiffs

14 vs.

15 AURORA LAS ENCINAS, LLC,
16 et al.,
17 Defendants.
18

CASE NO. CV 10-01031 JAK (RZx)

ORDER ON PLAINTIFF'S EX PARTE
APPLICATION

19 The Court received the mandatory chambers copies of Plaintiff's ex parte
20 application during the lunch hour on Tuesday, June 12, 2012. Shortly thereafter, the Court
21 retrieved and reviewed the electronically-filed copy of Defendants' opposition; it has yet
22 to receive the mandatory chambers copy. The failure to assure prompt delivery of copies
23 to chambers is a strange way to proceed on a matter that the parties consider an emergency.

24 A review of the papers suggests that a lot of time and money is being wasted
25 on carping. There is little material difference between the notice proposed by the two
26 sides. As to the differences, the Court rules as follows:

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1 1. Counsel shall not be identified in this notice. Perhaps later, but not
2 now.

3 2. If, using reasonable diligence, Defendant Aurora Las Encinas can
4 identify Patient Nos. 24, 21, 42, 43 and 59 based on the information provided by Relator,
5 then notices shall be sent to those patients. Aurora Las Encinas shall not “guess” at who
6 the patients are, but shall, in good faith, seek to match the information provided by Relator
7 with a patient. If despite a good faith and diligent effort to create such a match, Las Encinas
8 is unable to identify a patient, then it shall not send the notice.

9 3. Aurora Las Encinas states that it has no record matching the name
10 Relator links to Patient 53. Obviously, then, Aurora Las Encinas cannot send a notice to
11 that person.

12 4. Aurora Las Encinas states that it is “under no obligation to provide
13 Notice to patients who are self pay and not tied to any government funded program.” To
14 the contrary, the Court’s order created such an obligation as to all the patients identified
15 by number in the Fourth Amended Complaint. Any patient identified in the Complaint
16 should have the opportunity to comment to the Court in connection with the potential
17 release of his or her records.

18 5. As to Patients 30 and 31, the notice shall state that Plaintiff alleges that
19 they were held on 2South when it was not medically necessary because the Hospital
20 granted them passes which they used to leave the Hospital during their stay.

21 6. As to Patient No. 26, the notice shall state that the Complaint alleges
22 that he was supposed to receive acute, involuntary “lock-down” care but was actually
23 hospitalized on open units throughout most of his stay, about 120 days.

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